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Letter dated 2 August 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to forward the copy of the decree of the President of the Republic of Uzbekistan on abolition of the death penalty (see annex).

I would be grateful if the present letter and its annex were distributed as a document of the General Assembly, under agenda item 105 of its fifty-ninth session.

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 2 August 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Decree of the President of the Republic of Uzbekistan on the abolition of the death penalty in Uzbekistan

Among the foremost objectives of reforming the legal and judicial system of the Republic of Uzbekistan is consistent, gradual liberalization of criminal law, the law of criminal procedure and the penal system.

In accordance with the Act of the Republic of Uzbekistan introducing amendments and additions to the Criminal Code, the Code of Criminal Procedure and the Code on Administrative Responsibility of the Republic of Uzbekistan with a view to liberalizing criminal penalties, as well as with laws on the courts and the Public Prosecutor's Office, and other legislative acts adopted during the past few years, the classification of crimes has been amended, the list of especially grave crimes has been reduced and alternative forms of punishment for crimes which do not involve imprisonment and the institution of reconciliation have been introduced. Several other policy measures to liberalize the penal system have been taken.

Significant changes in criminal policies and law enforcement practices have had a positive effect on the social, political and criminal-justice situation in the country.

A significant part of the ongoing process of liberalizing the legal and judicial system and criminal penalties in the Republic of Uzbekistan has been the steady reduction of the scope of the death penalty. When the country gained independence, its criminal law contained more than 30 articles providing for the death penalty. In the Criminal Code of the Republic of Uzbekistan of 1994, the number of those articles was reduced to 13, in 1998 to 8 and in 2001 to 4. Currently, following the implementation in 2003 of a set of measures to liberalize the criminal law, there is a provision for the death penalty for the commission of only two crimes: premeditated murder under aggravating circumstances and terrorism.

Under the criminal law the number of crimes punishable by the death penalty makes up less than 1 per cent of the overall number of criminally punishable acts. Regardless of the seriousness of the crime committed, the law prohibits the imposition of this penalty on minors, women and persons over 60 years of age.

The State's criminal policies with respect to the imposition of the death penalty fully conform to world trends and consistently reflect the principles of humanism and justice enshrined in the Constitution of the Republic of Uzbekistan.

Meanwhile, the substance and content of the reforms conducted in the country to bring about further democratic progress in social and public life and to modernize the country, and the outcome of the efforts to liberalize the legal and judicial system, have necessitated the abolition of the death penalty as a form of punishment and its replacement by either life imprisonment or long prison sentences.

Furthermore, reform in this crucial area must be carried out consistently, taking into account the need to develop social relations and make them more humane and to enhance public awareness of democratic values.

The abolition of the death penalty will require a mass outreach campaign among the people, first and foremost to lay the ground for progressive movement in the country towards the establishment of a law-based democratic State and civil society and to enhance public understanding of the need for further liberalization of criminal penalties, including the abolition of the death penalty.

There is a need to carry out a series of organizational and preparatory measures involving building facilities and installations, establishing the necessary conditions for the detention of persons whose death sentences have been commuted to life imprisonment or long prison terms, and the training of personnel to work in these institutions.

A key challenge will be to elaborate in detail and amend and supplement criminal, criminal procedure and penal law, carefully taking into account international law in this area and the relevant legislation of other countries which have abolished the death penalty and have experience in enforcing life sentences or long prison terms as alternatives to the death penalty.

On the basis of the established principles and rules of international law and the provisions of the Constitution of the Republic of Uzbekistan, which proclaim and guarantee the human right to life, as well as for the purpose of taking specific measures to further liberalize criminal penalties:

1. The death penalty shall, as of 1 January 2008, be abolished as a form of punishment in the Republic of Uzbekistan and be replaced by penalties in the form of a life sentence or a long prison term.

It is determined that:

Penalties in the form of a life sentence or long prison term may be handed down by the Supreme Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan, the regional and Tashkent municipal criminal courts and the Military Court of the Republic of Uzbekistan;

Persons sentenced to life imprisonment or long prison terms for the commission of crimes shall serve their sentences in specialized prison facilities under special regime arrangements.

2. The Ministry of Justice, the Supreme Court, the Public Prosecutor's Office, the Ministry of Internal Affairs and the National Security Service shall, prior to 1 January 2006, put forward proposals on the introduction of amendments and additions to the Criminal Code, the Code of Criminal Procedure and the Criminal Executive Code of the Republic of Uzbekistan in connection with the elimination of the death penalty from the criminal penalty system and its replacement by either life sentences or long prison terms, providing for:

The determination of, and the basis for, specific prison terms for persons who have committed crimes which are currently liable to the death penalty;

Procedures for fixing penalties for such crimes and calculation of the prison terms, as well as the procedures and conditions for enforcement of the penalties imposed as alternatives to the death penalty.

3. The Cabinet of Ministers of the Republic of Uzbekistan shall, within two months, adopt a decision on measures for the construction and preparations for the use of facilities of the specialized institutions necessary for the detention of convicted offenders sentenced to life imprisonment or long prison terms, as well as the procedures for financing these institutions and the training of personnel to work in them.

4. The Ministry of Justice, the Supreme Court, the Public Prosecutor's Office and the Ministry of Internal Affairs, together with the National News Agency, the Public Television and Radio Company of Uzbekistan and Uzbek press and news agencies, shall develop and implement a set of measures to organize a mass public information campaign on the abolition of the death penalty.

5. This Decree shall be introduced for consideration by the Oliy Majlis (Parliament) of the Republic of Uzbekistan.

6. The implementation of this Decree shall be monitored by Mr. Sh. M. Mirziyayev, Prime Minister, and Mr. T. A. Khudaibergenov, State Adviser to the President of the Republic of Uzbekistan.

I. Karimov
President of the Republic of Uzbekistan
Tashkent

1 August 2005